

Court No. - 47

Case :- WRIT - C No. - 29849 of 2023

Petitioner :- Madanlal @ Vijendra

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Shashi Bhushan Rai

Counsel for Respondent :- C.S.C

Hon'ble Manish Kumar Nigam,J.

1. Supplementary affidavit filed by learned counsel for the petitioner today, is taken on record.

2. Heard learned counsel for the parties and perused the record.

3. The present petition has been filed for the following relief:

"i) Issue a writ order or direction in the nature of certiorari for quashing the impugned order dated 10.04.2023 passed by Collector/ District Magistrate, Moradabad in suit no. 6259 of 2022 (Atarkali Vs. Madan Lal @ Vijendra and others) Under Section 212 (2) of Revenue Code, 2006 and order dated 30.06.2023 passed by Collector/ District Magistrate, Moradabad in Suit No. 4039 of 2023 (Madan Lal @ Vijendra Singh Vs. Atarkali) Under Section 212(2) of Revenue Code, 2006.

ii) Issue a suitable, order or direction, in the nature of mandamus directing the respondent no. 2 to stop the proceeding from the Court of Tansildar, Sadar, District Moradabad.

iii) Issue a suitable, order or direction in the nature of mandamus directing the respondent no. 2 to return back the entire case from Tehsil Sadar to Tehsil- Kanth, District- Moradabad."

4. Learned counsel for the petitioner contended that by an ex-parte order dated 10.04.2023, pending proceedings were transferred from Tehsil- Kanth to Tehsil- Moradabad on an application moved by respondent No. 3. The recall application filed by the petitioner has also been rejected. Finding has been recorded by the court below that the petitioner has sold land to one Vaibhav Bishnoi, Advocate and because of local counsel being involved, respondent No. 3 is not able to get the proper legal assistance and on that ground this matter was transferred.

5. In case, the case is decided by the newly transferred court, no prejudice is going to be caused to the petitioner, therefore, I am not inclined to interfere in the order.

6. However, in the interest of justice, it is provided that the proceedings of Case No. 6259 of 2022 (Atarkali Vs. Madan Lal @ Vijendra and others) pending in the court of Tehsil- Moradabad, District- Moradabad be concluded expeditiously, preferably within a period of six months from the date of production of certified copy of this order after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties provided that there is no other legal impediment.

6. With these observations, present writ petition stands **disposed of**.

Order Date :- 7.11.2023

Nitika Sri.

(Manish Kumar Nigam, J.)